

REMARKS

The present amendment is in response to the Final Office Action dated September 27, 2006. By the present amendment, Applicant has amended independent claims 50 and 57 and dependent claim 54. The amended claims contain no new matter and are fully supported by the specification. The Applicant respectfully submits that pending claims 50-63 are now in condition for allowance in view of the following remarks.

A. Claim Objections:

The Examiner objected to claim 54 reciting dependency upon a canceled claim (i.e., claim 2). In view of the Examiner's recommendation, the Applicant has amended claim 54 to depend upon claim 52. As such, the Applicant respectfully submits that this objection is traversed.

B. Objections to the Specification:

In view of the Examiner's comments in the Final Office Action dated September 27, 2006, the Applicant has amended the specification. As such, the Applicant respectfully submits that this objection is traversed.

C. Claim Rejections under 35 U.S.C. § 102:

The Examiner rejects claims 50-63 as being anticipated by Carey et al. (United States Patent No. 6,714,793). In light of the amendments and

arguments contained herein, the Applicant respectfully requests that this rejection be withdrawn.

Although the Applicant believes that the original pending claims are sufficiently defined over the prior art of record, the Applicant has elected to amend the independent claims to further distinguish the Applicant's claimed invention over the prior art in view of the telephone interview with the Examiner on December 5, 2006. In contrast with independent claim 50, as amended herein, Carey et al. fails to teach or suggest a proxy server that can transmit "...presence information to the instant messaging service to indicate that the wireless communications device is online **even when a data connection does not exist** between the wireless communication device and the wireless network..." (See Applicant's Claims, and paragraphs [0025] and [0033] of Applicant's specification). Specifically, Carey et al. is completely silent as to a "proxy server" or any other type of server that can maintain the presence information of the wireless communication device with the instant messaging service such that the wireless communications device appears "online" even when in fact there is no "data connection" between the wireless communication device and the wireless network.

Furthermore, in contrast with independent claim 57, as amended herein, Carey et al. fails to teach or suggest a proxy server "establishing a stand-in online presence for the wireless communications device with the instant messaging service even when a data connection does not exist between the wireless communication device and the wireless network" (See Applicant's Claims).

Specifically, as noted above, Carey et al. is completely silent as to a “proxy server” or any other type of server that can establish a “stand-in on-line presence” for the wireless communication device even when there is no “data connection” between the wireless communication device and the wireless network.

For at least the above reasons, the Applicant respectfully submits that Carey et al. fails to teach or suggest all the system and method defined by independent claims 50 and 57. Claims 51-56 and 58-63 depend directly or indirectly from the independent claims. Accordingly, the Applicants respectfully request that this rejection for claims 50-63 be withdrawn as they are in condition for allowance.

D. Conclusion

For all the foregoing reasons, a notice of allowance directed to claims 50-63 in the present application is respectfully requested. Payment of the RCE fee accompanies the present submission. No other fee is believed due. If necessary, applicant requests, under the provisions of 37 CFR 1.136(a) to extend the period for filing a reply in the above-identified application and to charge the fees for a large entity under 37 CFR 1.17(a). The Director is authorized to charge any additional fee(s) or any underpayment of fee(s) or credit any overpayment(s) to Deposit Account No. 50-3001 of Kyocera Wireless Corp.

Respectfully Submitted,

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